

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Murphy et al.

Serial No.: 10/734,726

Filed: December 12, 2003

For: DEPLOYABLE TRUSS HAVING
SECOND ORDER AUGMENTATION

Confirmation No.: 1945

Examiner: A. Phi Dieu Tran

Group Art Unit: 3633

Attorney Docket No.: 2507-7830US
(22120-US-01)

VIA ELECTRONIC FILING

JANUARY 5, 2010

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed September 6, 2009 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

The prior art does not show a deployable truss comprising a plurality of column members connected at their ends to form a deployable truss that forms a rigid structure in a deployed state and that has a stowage volume less than its deployed volume in a collapsed state, at least one of the column members comprising a column assembly having at least one tapered end, at least three strut members, each strut member of the column assembly being connected to each other strut

member of the column assembly at a first end of the column assembly and at a second end of the column assembly.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. § 1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. § 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



Gregory C. Baker
Registration No. 61,335
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: January 5, 2010
GCB/kso/slm
Document in ProLaw